

THE BRITISH COLONIST

Friday Morning, Dec. 4, 1863.

TO ADVERTISERS.

All advertisements, unless the time for which they are to be inserted is specified, will be continued until ordered out, and so charged.

JOB PRINTING.

The bill that has been introduced by one of the hon. members for Victoria City to grant jurisdiction to justices of the peace in civil cases, scarcely meets the requirements of the colony in respect of providing a simple and inexpensive remedy for debts of a small amount. Most unquestionably the present system is exceedingly bad, and it would be better to give jurisdiction to the magistrates than to leave matters in *status quo*. But a better arrangement would be to appoint a separate judge for the small debts' court, who would hold his sittings in the different districts of the island as occasion might require and in Victoria on certain fixed days—once a week, or once a fortnight, as might be necessary; the oftener the better, in order that the business might be rapidly disposed of. We are by no means desirous of encouraging litigation; on the contrary, we believe that the very fact of a rapid dispatch of business in the so-called Summary Court would put an end to a great deal of unnecessary litigation. At present a debtor who does not wish to pay knows that by putting off his payment, even after he is summoned, he can avoid a final settlement for a month or two. The business of the court is always in arrear, and it seems impossible that it should be otherwise when the presiding judge has so much other more important business to attend to. If we had a judge sitting in the town three stated days in every month, he would probably get through most of the business. An adjournment would of course occasionally be necessary, but if the court were held in a building devoted exclusively to small causes, and in a convenient situation, there would be very little difficulty in getting through the business. We should be glad to see the hon. member enlarging the scope of his bill. We cannot believe that it would work well to thrust the additional duties of small debt judge upon the stipendiary magistrate. In British Columbia it is done of necessity, but many are of opinion that even in that colony it would be better for one judge of county courts to be appointed to take the circuit of all the towns. In our own colony it would hardly be necessary to hold any courts outside of Victoria, except at Nanaimo; but it is probable that commercially speaking it might be beneficial to have a county court judge sitting alternate weeks in Victoria and New Westminster, having concurrent jurisdiction in the two colonies. There is no doubt that good would accrue in both colonies from some sort of amalgamation in the courts of law. Here is a fair field for the exercise of the talents of some of our members, and we believe both colonies would welcome the introduction of such a measure.

The gloom of winter is upon us, and yet we see no sign of lighting up our streets with gas. We cannot however suppose that our city council have entirely given up the idea of giving us some little security in traversing the streets in the dark nights during which so many from one cause or another are going to and fro through the city. In the present state of the streets it cannot be denied that in many places it is unsafe to attempt to cross the thoroughfares after dark. In the principal streets where there is much traffic, the crossings are not so bad, but let the foot passenger attempt to cross Government street fifty yards below the St. Nicholas Hotel after dark, and he will find that the necessity for lights is not exaggerated. We do not seek to urge the corporation into any reckless extravagance, but we would remind them that the revenue is likely to be larger next year than it has during that just past, whilst the expenses in all probability will not be so large. The heaviest undertakings have been completed; if we except a system of sewerage and drainage, and it is not likely that the council will attempt these works without bringing a sufficient capital to carry them out efficiently and completely. We may therefore look for some such minor improvements to our city as can be effected out of the annual income, and amongst these we may count the lighting of the streets as one of the foremost. It is not so much in the heart of the city that the want is felt, as in the outskirts, where the lights from the houses do not cast any light over the roads or the crossings, and where the imperfect nature of the streets is more sensibly felt than in those parts of the city where the streets are more perfectly laid down. The continuance of the sidewalks in their present condition is not to be tolerated; a city with a population as large as that of Victoria, must not be left in such a state that the inhabitants cannot safely walk from one end to the other at night. Many improvements have been made in the city during the past year, but there is considerable room for more. Great hopes are entertained of the efficiency of our new council, we trust they will not disappoint the electors. There is ample opportunity for each and all of our councillors to perform his duty toward the city. They have come into office during the dependence of a law suit, the result of which may one way or another materially affect the council and the citizens. It may become necessary before the taxation question is set at rest, to take a public vote upon it, and we would warn the council that to carry the people with them in all their measures is not difficult, and where it is possible it is undoubtedly politic.

The administration of justice in the civil courts of this colony is confessedly open to improvement in many respects. There are many reforms required, but there is one which from its simplicity and desirability we would specially urge upon the notice of our representatives. In many of the British colonies and dependencies a provision is made for the protection of the very poor who may have claims which they are legally as well as morally entitled to recover from persons in a more prosperous station in life than themselves. A solicitor is specially appointed by the court to conduct what are technically called pauper cases, and the small fees which are allowed in those cases are paid out of the suitor's fund. No suits are allowed to be instituted by paupers without the special leave of the court, which is usually granted on the certificate of the pauper's attorney that the case is a proper one to go to trial, and on proof that the plaintiff is not able to pay his own costs of suit. We presume that the Chief Justice would at present have the power on application of a poor plaintiff, to allow him to sue in *forma pauperis*; but we believe that there is no power existing which enables the court to assign attorney or counsel to a pauper, and consequently a man who has a just demand against another who is able to pay, if he is without money, has but little redress. He can hardly expect that any professional men will give their time gratuitously, and it is not the practice of the legal profession to take contingent fees. If a short bill were carried through the Legislature, empowering the Chief Justice to appoint a pauper's attorney whose fees would be paid out of the pauper's fund, if such

into the Supreme Court in general causes, we believe that more justice would be done towards the poor than can be at present. It may be that not more than one pauper case would arise in a year, but it is the more important that when it does arise poverty should not be a bar to the claimant's having justice meted out to him.

NEW ADVERTISEMENTS.

City Auction Rooms,

FORT STREET, NEAR WHARF.

DANIEL SCOTT & CO.,

Auctioneers & Commission Merchants.

For Horses and Cattle Sales on Saturday. A large stock kept for the accommodation of stock sent for sale. Reference—MACDONALD & CO., Bankers, Yates street. Cash advanced on consignments of Merchandise stock etc.

AUCTION.

TO-MORROW

Saturday, Dec. 3d,

DANIEL SCOTT & CO.

WILL SELL

IN FRONT OF THEIR ROOMS,
On Saturday,

At 11 a.m., precisely,

Two very Superior Saddle Horses;

—AFTERWARDS IN STORE—

Groceries, Provisions, Butter ;

Cheese, Candles, Syrup ;

Etc., Etc., Etc., Etc.

—ALSO—

3 cases Pilot Jackets, &c., &c.;

—ALSO—

A Lot of Furniture,

Hf-doz. Mahogany Chairs, Horse Hair Seats ;

Hf-doz. Cane Bottomed Chairs ;

STOVES.

Etc., Etc., Etc., Etc.

A Great Variety of other Goods.

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FOR SALE,

ONE OF THE MOST COMMON HOTELS in this city, centrally situated, capable of accomodating 100 Lodgers.

There is a large Restaurant attached at which about

150 Persons Dine Daily,

Also, a Bar doing a very good business.

THE ENTIRE FURNITURE,

STOCK, BAR FIXTURES, etc.,

will be disposed of, presenting a most eligible opportunity for persons desirous of entering upon a lucrative business.

N.B.—The above are offered for sale in consequence of the failing health of the Proprietor who is unable to consult with medical advisers to provide for a warmer climate.

For particular, apply at the office of this paper.

VICTORIA THEATRE.

THOS. WARD.....Leasee.

A. R. PHEIPS.....Stage Manager.

C. G. ST. CLAIR.....Leader of Orchestra.

RALPH PHELPS.....Acting Manager.

THIS (FRIDAY) EVENING,

The performance will commence with the 5 Act Comedy, entitled

AS YOU LIKE IT.

Rosina.....Mrs. Julia Dean Haynes

Jacques.....Mr. J. H. Taylor

Phebe.....Miss Bellé Divine

Song.....Mrs. N. Leslie

To conclude with the laughable farce of

Family Jars !

Porgie.....Harry Taylor

Liddy Larigan (with songs).....Miss Bellé Divine

Monday—Benefit of Mr. J. H. Taylor

Tuesday—Presentation of the great Drama entitled

THE WOMAN IN WHITE.

AUSTRIA—Dress Circle and Orchestra Seats, \$1 Pitt, 50 cents; Private Boxes, \$5 and \$10.

Box Office opens from 11 a.m. till 2 p.m.

Box Office opens at 7 o'clock; curtain rises at half past 7 o'clock.

NOTICE.

A. L. BELL AGAINST THE EXCELSIOR VICTORIA THEATRE.

The Real Estate ASSESSMENT ROLLER for the year of Estimate, 1863, is now ready.

T. H. T. TODD & CO. are the Assessors of Victoria, Esq., and Mr. Watson and Son were finally passed by the Court of Reviewers, on the 1st instant, and that the Assessment is now payable into the Treasury.

By order of the Governor,

ALEXANDER WATSON, Treasurer.

Vancouver Island Treasury, December 3d, 1863.

detd 14

Notice !

Dissolution of Partnership.

THE PARTNERSHIP HERETOFORE EXISTING BETWEEN J. H. LONG, WILSON MARS, AND J. A. BRUNN, OF VICTORIA, B.C., AS CARPENTERS, HAS BEEN THIS DAY DISMISSED BY MUTUAL CONSENT.

J. H. LONG, WILSON MARS,

HOUSE TO LET

AND FURNITURE FOR SALE.

A HOUSE AND STORE IN A central part of the town. The rooms are furnished and occupied. Rent moderate.

Apply to B. DEIRHAM, Johnston street.

Treasury Notice.

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Real Estate Agent.

THE UNDERSIGNED HAS OPENED

An office on Courtney street, near Government

where he intends carrying on Business as Real Estate Agent.

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W. J. MCDONALD.

WRIGHT & SANDERS,

ARCHITECTS,

One CORNER YATES AND LANGLEY STS.

Victoria, V.I.

detd 14

Good Chance for Investment.

A ACTIVE YOUNG MAN WITH A

A good capital may hear of a good chance to

make a fortune.

THE UNDERSIGNED HAVE BEEN APPOINTED AGENTS for the sale of

Kingsford's Celebrated.

WASHING CRYSTALS,

Which are entirely free from lime or any ingredient.

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COMMERCIAL.

Sales at Auction This Day.

J. P. DAVIES & CO. will sell at 11 o'clock, a. m., at their Wharf street, Olin's Stores, Groceries and Provisions, consisting of Pickles, Olives oil, Sugars, Rice, Soap, Curants, Hams, Candies, etc.

MARINE INTELLIGENCE.

ENTERED.
Dec. 3.—Star Enterprise, Mount, New Westminster.

CLEARED.
Dec. 3.—Star Enterprise, Mount, New Westminster.

Schr. Gen. Harvey, Olym. Port Angeles.

SUPREME COURT

(BEFORE HIS LORDSHIP CHIEF JUSTICE CAMERON)

Farrer vs. McLoughlin. Mr. McLoughlin es. *Farrer*—Yesterday was the day appointed for judgment to be delivered in the above cases, which have been pending nearly a year.

His Honor intimated that from the documentary evidence before him he thought that there was *prima facie* case of partnership.

Mr. Cary warmly contended that His Honor was entitled to come to that conclusion by the perusal of an answer filed by McLoughlin which though on oath, had not been read and was therefore not evidence.

Mr. Ring and Mr. McCreight urged that the Court should not allow any argument, as counsel had come prepared to take judgment only.

Mr. Cary persisted in calling His Honor's attention to the point he had advanced.

His Honor.—I have read the proceedings half-a-dozen times over, and consider that a *prima facie* case of partnership has been established.

Mr. Cary.—But I say your Lordship has no business to come to that conclusion because you are led to it by perusing a document which you have no right to do. Does your Lordship mean to call that answer evidence?

The judge here stated that he wished to have all the facts before him, and would adjourn the cause until he had examined the plaintiff and defendant once more.

Mr. Cary contended that His Honor could not examine the defendant McLoughlin.

Mr. Ring and Mr. McCreight came from Smith's Chancery Practice to show that the court had the power of examining both parties.

His Honor said he thought he had the power and would make an order for the examination of the plaintiff, at all events, at 11 a.m. of this day.

Mr. Cary here gave vent to a few expressions condemnatory of the manner in which the business of the court was conducted, and concluded by observing that "in future when any client consulted him, he should advise him to cut his throat, to avoid the inevitable tortures of the disgraceful proceedings of that court."

GOING HOME.—We understand that the colony is about to lose the services of a valuable and efficient officer, in the person of Mr. Marshall, R. N., gunner of H. M. S. Grappler. The admiralty having granted his application to be allowed to proceed to England, and an officer having been sent out to fill his place, who joined the gunboat on her arrival at Nanaimo, Mr. Marshall will leave for England by the first opportunity.

The services rendered by the gunboats on this station are numerous, and at times not a little irksome.

To Her Majesty's ships in this remote part of the empire we are indebted for our protection; but the gunboats fulfil many other duties besides those which belong to a man-of-war.

They have charge of our light houses, they communicate with the remote settlements; they convey settlers from place to place; on more than one occasion they have gone to the relief of distressed vessels.

The Forward's services, in that respect are not forgotten, and the gunboats fulfil many other duties besides those which belong to a man-of-war.

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COMMITTEE ON CROWN LANDS.

TUESDAY, Dec. 4, 1863.
The Committee met this morn. at 11 o'clock. Mr. F. W. Green, C. E., was examined: He had been in the Colony since '58; had surveyed Metchosin, a subdivision of Nanaimo district, and suburban lots around the town of Newcastle; this last was in '61. The survey was for the Government; had surveyed this Government Reserve in Victoria, in March, '61; surveyed part of Beecham Farm for the Governor; had been a boundary line between the park and the farm, in '61; had surveyed lands for the Hudson Bay Co.

By Mr. Ridge.—The boundary line was not the same as when laid down by me; the line as surveyed by me was attested by Mr. Pearce, and accepted by the government and the Hudson Bay Co. part of the alterations in the line were made by myself when I surveyed it; the house and grounds now owned by Mr. Morris were within the park boundary, as was the ground now occupied by Mr. Morris's house.

By Mr. Duncan.—Described the position of the line laid down by you as the boundary of the park? A.—From the NW. corner of the park the line runs south 11° 5' to the Straits of Fuca, and is 60 chains and 14 links long.

By Mr. Ridge.—Were several lots sold which were within the limits of the park? A.—Yes, lots 1811, 1810, 1809, part of 1808, 1757, 1758, 1759, part of 1760, 1756, 1755, 1754, 1753, 1752, part of 1751; also lots 1, 2, amounting to 53 acres.

By the Chairman.—Who are the occupiers of this 53 acres containing 16 acres? Ans.—Col. Moody owns five acres and Mr. Dallas one-half acre. Ques.—Who owns the lots above-mentioned? Ans.—John Morris owns lot 1755 and 1809, 1808, 1811, being, I think, to Mr. Morris cannot tell what occupy the lots. Ques.—Were these lots sold by the Queen? Ans.—Who were those lots sold by? Ans.—I believe by the Hudson Bay Company.

Ans.—Were the Hudson Bay Company satisfied with the line as laid down by you? Ans.—Yes; the surveyor who was first employed to run the park line by some error ran it in the wrong place; witness in surveying the line found out the mistake, took the bearing of the true line from Mr. Pearce, and laid out the line which was proposed.

By Mr. Duncan.—Did you get a starting point from which to run the boundary line from the government, acknowledged by Mr. Dallas? Ans.—Yes. Ques.—Does that line fall within the boundaries of the park? A.—No. Ques.—Does that line fall within the boundaries of the park? Ans.—John Gastineau—Ans.—Is there a map showing the original park reserve in the Land Office? Ans.—I believe there is. Ques.—Is the foot of John Street carried down to the water's edge in the official map of 1858? Ans.—Is. Ques.—Does this line fall within the boundaries of the park? Ans.—John Gastineau—Ans.—Is there a map showing the original park reserve in the Land Office? Ans.—I believe there is. Ques.—Is the foot of John Street carried down to the water's edge in the official map of 1858? Ans.—Is. Ques.—Does this line fall within the boundaries of the park? Ans.—John Gastineau—Ans.—Is there a map showing the original park reserve in the Land Office? Ans.—I believe there is. 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J. C. CORIN, having sold his interest in
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AMERICA has been committed on

my premises, the numbers of

which are known to me and for

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has been offered, I therefore warn

all persons from taking any such

Notes, as I shall take legal pro-

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JAMES DICKSON, M.D., has been appointed Medi-

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